IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.13966 of 2004

Between:

P. Sarala Reddy, W/o. Shankar Reddy,

Aged 43 years, R/o. H.No.6-1-2828/27,

Khairatabad, Hyderabad.

..... PETITIONER

AND

1 The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad.
2 Smt. B. Godamani, W/o. Niranjan Rao,

Aged 42 years, H.No. 6-1-275, C.I.B. Quarters,

Khairatabad,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in not acting to curb the illegal and unauthorized construction made by the 2nd respondent No.1 to clear the unauthorized and illegal construction being made by the 2nd respondent as illegal, arbitrary and unjustified and consequently direct the respondent No.1 to clear the unauthorized and illegal construction being made by the 2nd respondent encroachment of the public Road appurtenants to the petitioner house in public

interest and further direct the 1st respondent to take penal action against the 2nd respondent for resorting to unauthorized and illegal construction in the interest of justice.

Counsel for the Petitioner : MR.M.RATNA REDDY

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

Counsel for the Respondent No.2: ----------

The Court at the admission stage made the following :

ORDER:

The petitioner is resident of Khairatabad area. He claims to be owner of house bearing No.6-1-282B/27, C.I.B. Quarters, Khairatabad. The second respondent is his neighbour and allegedly residing in the House bearing No. 6-1-283(C.I.B.No.28/B). It is the case of the petitioner that when the second respondent started an unauthorized construction, she submitted a complaint dated 27.12.2003 to the Hyderabad Municipal Corporation and due to their intervention the construction made by the second respondent was removed. Again the second respondent started a construction in the month of July, 2004 and the petitioner made a representation dated 26.7.2004 to the first respondent, in vain. Therefore the present writ petition is filed.

A copy of the representation/complaint allegedly made by the petitioner to the first respondent dated 26.7.2004 is annexed to the writ petition. Therefore, it would be in the interest of the petitioner and respondents, to direct the first respondent to enquire into the complaint and take appropriate action in accordance with law to remove the construction, if any, made by the second respondent unauthorizedly on the public road.

The writ petition, with the above observation and direction, is disposed of.

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Date : August 9, 2004. **V.V.S. RAO, J**

Note:

Issue CC by

11.08.2004.

(B/o)

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad.

2. Two CD copies.